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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/595,330	04/10/2006	Patrick J. Maas	923251-103060	7603
23644 7590 01/09/2009 BARNES & THORNBURG LLP P.O. BOX 2786 CHICAGO, IL 60690-2786				
EXAMINER				
BURCH, MELODY M				
ART UNIT		PAPER NUMBER		
3657				
NOTIFICATION DATE		DELIVERY MODE		
01/09/2009		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

Patent-ch@btlaw.com

Office Action Summary

Application No.

10/595,330

Applicant(s)

MAAS, PATRICK J.

Examiner

Melody M. Burch

Art Unit

3657

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 September 2008.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-11 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 10 April 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/5508)
4) ☐ Interview Summary (PTO-413)
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____
Paper No(s)/Mail Date _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 4, 6, 8, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5269497 to Barth in view of US Patent 3768795 to Rathbun Jr. and US Patent 3210064 to Crosby.

Re: claims 1, 2, 6 and 8. Barth shows in figures 1 and 2 a seat spring assembly comprising: a frame 10,12 having a first and a second frame end with first and second sides connected to first and second transverse frame ends as shown; a plurality of flat leaf springs 18 having leaf spring first ends connected to the first frame end and leaf spring second ends connected to the second frame end; 0-1 V arch and/or 0-3 W arches with at least each leaf spring having one V or W arch adjacent the leaf spring first or second end; each leaf spring has a substantially flat center portion 32 extending longitudinally and aligned horizontally to define a seating support surface.

Barth is silent regarding the cross piece.

Rathbun Jr. teaches in figure 1 the use of across piece 20 spanning the ends of elements 17.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the assembly of Barth, to have had a cross piece,

as taught by Rathbun Jr. in order to provide reinforcement in keeping the leaf springs connected within the assembly for reinforcement purposes.

Barth, as modified, is silent with regards to a plurality of coil springs.

Crosby teaches in figure 1 the use of a plurality of coil springs 46 connecting to pieces 45 to a frame end to transmit loads.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the assembly of Barth, as modified, to have included a plurality of coil springs, as taught by Crosby, in order to provide a means of further damping lateral movement of the leaf springs with respect to the frame.

Re: claims 4 and 9. In *In re Dailey*, 357 F.2d 669, 149 USPQ 47 (CCPA 1966) the court held that the configuration of a claimed object was a matter of choice which a person of ordinary skill in the art would have found obvious absent persuasive evidence that the particular configuration is significant. It would have been obvious to one of ordinary skill to use different arch shapes depending on desired load deflection characteristics. It is noted that a W arch is simply to V arches together.

3. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5269497 to Barth in view of US Patent 3768795 to Rathbun Jr. and US Patent 3210064 to Crosby as applied to claim 1 and further in view of US Patent 4815717 to Crosby.

Barth, as modified, are silent with regards to the leaf springs having no W arch and a V arch at one end with the remainder being substantially flat and bowed.

Crosby '717 teaches such a configuration in figure 2.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the configuration of the leaf springs of Barth, as modified, to have been comparable to that taught by Crosby '717, in order to provide a desired load deflection characteristic.

4. Claims 3, 7, 10, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5269497 to Barth in view of US Patent 3768795 to Rathbun Jr. and US Patent 3210064 to Crosby as applied to claim 1 and further in view of US Patent 3173672 to Isaacs.

Barth, as modified, are silent with regards to the helper spring.

Isaacs teaches in figure 2 the use of a helper spring 22.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the configuration of the leaf springs of Barth, as modified, to have included a helper spring, as taught by Isaacs, in order to provide a means of reinforcing the support for the seat.

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5269497 to Barth in view of US Patent 3768795 to Rathbun Jr. and US Patent 3210064 to Crosby as applied to claim 1 and further in view of US Patent 1948130 to Reed.

Barth, as modified, are silent with regards to the dropped position.

Reed teaches the use of a dropped position in a seat.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the seat assembly of Barth, as modified, to have

included a dropped position, as taught by Reed, in order to provide a means of satisfying particular real estate requirements depending on application.

Response to Arguments

6. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melody M. Burch whose telephone number is 571-272-7114. The examiner can normally be reached on Monday-Friday (6:30 AM-3:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Siconolfi can be reached on 571-272-7124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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January 5, 2009

/Melody M. Burch/
Primary Examiner, Art Unit 3657